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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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JUN 13 1997

Federal Communications Commission  
Office of Secretary

In re )  
)  
Advanced Television Systems )  
and Their Impact Upon )  
the Existing Television )  
Broadcast Service )

MM Docket No. 87-268

To: The Commission

**PETITION FOR RECONSIDERATION**

Wabash Valley Broadcasting Corporation, the license of WTHI-TV, Terre Haute, Indiana, and WFTX(TV), Cape Coral, Florida, and IMS Broadcasting, LLC, the licensee of WNDY(TV), Marion, Indiana, hereby petition for reconsideration of the *Fifth Report and Order* (FCC 97-116, released April 21, 1997), and the *Sixth Report and Order* (FCC 97-115, released April 21, 1997) in the Commission's digital television (DTV) rulemaking proceeding. In support, the following is shown:

**1. Introduction**

Wabash Valley Broadcasting Corporation is the licensee of several broadcast stations, including WTHI-TV and WFTX(TV). Wabash Valley Broadcasting Corporation also is under common ownership with IMS Broadcasting, LLC, the licensee of WNDY(TV), Marion, Indiana. The two companies will be referred to herein collectively as "Wabash."

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Wabash is a party to this proceeding due to its prior comments on behalf of WTHI-TV, WFTX(TV), and WNDY(TV).<sup>1/</sup> This Petition is timely filed because it is filed within 30 days of the publication of summaries of the *Fifth Report and Order* and the *Sixth Report and Order* in the Federal Register.<sup>2/</sup>

WDNY was allocated DTV channel 32 at the following coordinates: 40-08-57 N. Latitude, 85-56-15 W. Longitude. WNDY's assigned DTV power is 249.7 kilowatts, with an antenna height above average terrain of 295 meters.<sup>3/</sup>

WTHI-TV was allocated DTV channel 24 at the following coordinates: 39-14-36 N. Latitude, 87-23-07 W. Longitude. WTHI-TV's assigned DTV power is 819.3 kilowatts, with an antenna height above average terrain of 293 meters.<sup>4/</sup>

WFTX was allocated DTV channel 35 at the following coordinates: 26-47-43 N. Latitude, 81-48-04 W. Longitude. WFTX's assigned DTV power is 205.9 kilowatts, with an antenna height above average terrain of 450 meters.<sup>5/</sup>

**2. Failure to Release OET Bulletin No. 69 on a Timely Basis Prevents Full Analysis of the DTV Report and Orders.**

In order to evaluate whether the DTV Table implements the Commission's objectives in specific instances, Wabash and other interested parties must be able to calculate the interference that is likely to result and determine the service areas of new DTV stations in accordance with

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<sup>1/</sup> See *Sixth Report and Order*, Appendix C at C-7.

<sup>2/</sup> See 62 Fed Reg. 26684 (May 14, 1997) and 62 Fed. Reg. 26966 (May 16, 1997).

<sup>3/</sup> See *Sixth Report and Order*, Appendix B at B-20 and B-52.

<sup>4/</sup> *Id.*

<sup>5/</sup> *Id.* at B-13 and B-50.

the Commission's methodology (Longley-Rice). But the critical piece of information necessary for stations to evaluate contours—*OET Bulletin No. 69*—has not been timely released though the *R&Os* refer to it numerous times. Without *OET Bulletin No. 69*, it is impossible, for example, for stations to know precisely what operation parameters for the Longley-Rice methodology apply or what amount of interference is considered *de minimis*. In turn, it is impossible for stations to know how to assess the reasonableness of either their own DTV allotment or those of nearby licensees. Moreover, Wabash and other broadcasters are ill equipped to verify whether the DTV Table meets *any* standard of adequacy, much less whether it is *optimized* as the Commission contends.<sup>6/</sup>

Therefore, before the rules and the DTV Table become final—but *after* the Commission's methodology is made available—the Commission should give interested parties a further opportunity to comment on the Table and the methodology. A brief additional comment period of 90 days will not significantly delay implementation of the transition to DTV. Indeed, to the extent that there are problems with the DTV Table, the Commission can fix those problems more efficiently and expeditiously if they are identified in a further round of comments while this proceeding remains open than if they are identified in a plethora of separate petitions for rulemaking after the DTV Table becomes final.

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<sup>6/</sup> As a matter of administrative law, the Commission must, of course, set forth the basis and underlying support for its rules in a manner that is sufficiently detailed to permit judicial review. *See, e.g., National Nutritional Foods Association v. Weinberger*, 512 F.2d 688, 701 (2d. Cir. 1975), *cert. denied*, 423 U.S. 827 (1975).

**3. WNDY's DTV Coordinates Should be Modified.**

One of the fundamental goals of the DTV Report and Orders is to encourage the rapid implementation of DTV operation. In order for rapid implementation to occur, Wabash believes shared antenna and tower arrangements will be required and should be encouraged by the Commission. In WNDY's market, there is an existing antenna farm that will be the logical choice for WNDY and other television stations to use as a common DTV site. Representative coordinates for that site are: 39-53-45 N. Latitude, 86-12-30 W. Longitude. Wabash seeks reconsideration of the *Sixth Report and Order* to the extent WNDY's DTV coordinates are the station's existing tower coordinates.<sup>7/</sup> Wabash requests that the antenna farm coordinates above be used instead.

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<sup>7/</sup> See *Sixth Report and Order* at ¶102. Wabash requested the use of the antenna farm coordinates in November 1996, as documented in the attached "Station Requests for DTV Channel Information and Alterations."

### **Conclusion**

Wabash will be in a position to supplement this petition with a further analysis within 90 days after *OET Bulletin No. 69* becomes available. In the meantime, Wabash requests that the DTV coordinates for WNDY be modified as described above to permit rapid implementation of DTV operation.

Respectfully submitted,

**WABASH VALLEY BROADCASTING  
CORPORATION and IMS  
BROADCASTING, LLC**

By: Thomas J. Hutton  
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June 13, 1997

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October 31, 1996

Mr. Faubell,

Wabash Valley Broadcasting, owner of WNDY-TV Marion, Indiana respectfully submits the following.

NEW LATITUDE FOR DTV ANTENNA:  
39 degrees, 53 minutes, 45 seconds

NEW LONGITUDE FOR DTV ANTENNA  
86 degrees, 12 minutes, 30 seconds

Assume no changes in HAAT and ERP other than those determined after new coordinates are plugged in to the MSTV program

James R. Borgioli  
V.P. Engineering  
Wabash Valley Broadcasting

# STATION REQUESTS FOR DTV CHANNEL INFORMATION AND ALTERATIONS

(As of November 13, 1996)

DATE/TIME	REGION	NTSC/ATV STATION	REQUEST	STATUS
10-14/13:37	Reg. 09-001	WYBE 35/38, Philadelphia, PA	Maximization	Pending
10-14/13:38	Reg. 09-002	WBPH 60/67, Bethlehem, PA	Maximization	Pending
10-14/17:52	Reg. 01-001	KMPH 26/27, Visalia, CA KTNC 42/56, Concord, CA KPWB 31/21, Sacramento, CA KFWU 8/11, Ft Bragg, CA	Coverage and Interference Maps	Mailed 10/22
10-14/17:52	Reg. 03-001	KREN 27/26, Reno, NV	Coverage and Interference Maps	Mailed 10/22
10-14/17:52	Reg. 06-001	KHGI 13/23, Kearney, NE KSNB 4/34, Superior, NE KWNB 6/47, Hayes Center, NE KPTM 42/43, Omaha, NE KXVO 15/18, Omaha, NE WSWS 66/59 Opelika, AL	Coverage and Interference Maps	Mailed 10/22
10-14/17:52	Reg. 07-001	WBFX 20/19, Lexington, NC	Coverage and Interference Maps	Mailed 10/22
10-15/16:25	Reg. 02-001	KHQ 6/54, Spokane, WA	Coverage and Interference Maps	Mailed 10/22
10-16/11:00	Reg. 10-001	WMBC 63/61, Newton, NJ	Interference Reevaluation	Pending
10-16/11:49	Reg. 05-001	WCFN 49/50, Springfield, IL WCIA 3/36, Champaign, IL WMBD 31/30, Peoria, IL	Substitute 2,4,6,7,8,9,10 Substitute 4,5,6,7,8,9 Substitute 2,5,7,9,11,32	Mailed 10/24

DATE/TIME	REGION	NTSC/ATV STATION	REQUEST	STATUS
11-04/15:39 Resubm.	Reg 09-017	WBRE 28/24, Wilkes-Barre, PA	Substitute 2,5,41,45	Mailed 11/13
11-04/15:39 Resubm.	Reg 09-018	WATM 23/67, Altoona, PA	Substitute 15,32	Mailed 11/13
11-04/15:45 Resubm.	Reg 07-007	WXII 12/41, Winston-Salem, NC	Substitute 11,31,35	Mailed 11/13
11-04/15P45 Resubm.	Reg 07-008	WGPH 8/54, High Point, NC	Substitute 23,25	Mailed 11/13
11-05/12:37	Reg 05-035	WNDY 23/54, Marion, IN	Site change lat 39-53-45, long 86-12-30	Mailed 11/13
11-05/12:37	Reg 05-036	WBGU 27/48, Bowling Grn, OH	Substitute 8	Mailed 11/13
11-05/12:37	Reg 05-037	WNWO 24/34, Toledo, OH	Coverage and Interference Maps	Mailed 11/13
11-05/12:37	Reg 05-038	KMSQ 15/20, Austin, MN	Maximization	Pending
11-06/11:37	Reg 05-040	WKOW 27/29, Madison, WI WXOW 19/17, LaCrosse, WI	Substitute 26 Substitute 14	Mailed 11/13
11-06/13:34	Reg 01-009	KERO 23/31, Bakersfield, CA	Substitute 10,12,31	Mailed 11/13
11-06/15:47	Reg 03-003	KSTU 13/26, Salt Lake City, UT KULC 9/22, Ogden, UT KJZZ 14/19, Salt Lake City, UT KUTV 2/43, Salt Lake City, UT KSL 5/48, Salt Lake City, UT KTVX 4/51, Salt Lake City, UT	Substitute 18 Substitute 21 Substitute 27 Substitute 34 Substitute 36 Substitute 38	Mailed 11/13